

REMARKS

Claims 1-35 are pending in this application including independent claims 1, 13, and 21. Claims 1-13 and 21 have been amended. Support for the foregoing amendments to the claims can be found in the specification and drawings as originally filed. No new matter has been added. Favorable reconsideration and allowance of the pending claims are requested.

Drawing Objections

Applicants respectfully traverse and request reconsideration and withdrawal of the objections to the drawings in view of the foregoing amendments to the specification and the Replacement Sheets attached hereto.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Applicants respectfully traverse and request reconsideration and withdrawal of the § 112, second paragraph, rejections in view of the foregoing amendments to the claims.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 4-7, 9-11, 13-15, and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the WebCharity.com Webpage (“WebCharity”). Applicants respectfully traverse this rejection.

When addressing independent claims 1 and 13, the Office Action relies on portions of WebCharity related to providing proceeds from charity auctions to nonprofit organizations. Although Applicants disagree with the current grounds of rejection, independent claims 1 and 13 have been further amended in order to advance prosecution. Applicants submit that the features recited by amended independent claims 1 and 13 clearly distinguish over the teachings of WebCharity.

For instance, WebCharity clearly does not provide a seller interface as recited by amended independent claims 1 or 13. Namely, there is no teaching or suggestion in WebCharity of a seller interface that presents available options for directing the remaining proceeds of the sale, the available options allowing the seller to choose to

receive all of the remaining proceeds of the sale or to select to donate at least a portion of the remaining proceeds of the sale to a third party designated by the seller.

In view of the above, Applicants submit that WebCharity clearly does not disclose all of the features of amended independent claims 1 or 13 and is insufficient to anticipate such claims under § 102. Furthermore, Applicants submit that there is no teaching, suggestion, or motivation to modify WebCharity to include all of the features recited by amended independent claims 1 or 13. In particular, Applicants submit that modification of WebCharity to include all of the features recited by amended independent claims 1 or 13 would be contrary to the explicit teachings and principal of operation of WebCharity.

For at least the foregoing reasons, Applicants submit that amended independent claims 1 and 13 are allowable over WebCharity and that claims 2, 4-7, 9-11, 14, 15, and 17-20 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 102(b) rejection of claims 1, 2, 4-7, 9-11, 13-15, and 17-20.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 3 and 16

Claims 3 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity. Applicants respectfully traverse this rejection.

Applicants submit that WebCharity clearly does not disclose, teach, or suggest all of the features of amended independent claims 1 or 13. Applicants further submit that there is no teaching, suggestion, or motivation to modify WebCharity to include all of the features recited by amended independent claims 1 or 13. In particular, Applicants submit that modification of WebCharity to include all of the features recited by amended independent claims 1 or 13 would be contrary to the explicit teachings and principal of operation of WebCharity.

For at least the foregoing reasons, Applicants submit that WebCharity is insufficient to render amended independent claims 1 or 13 obvious and that such claims are allowable over WebCharity. Applicants further submit that dependent claims 3 and

16 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 3 and 16.

Claims 8, 12, 21-28, 32 and 33

Claims 8, 12, 21-28, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of United States Published Patent Application 2002/0152130 to Salls (“Salls”). Applicants respectfully traverse this rejection.

Applicants submit that WebCharity clearly does not disclose, teach, or suggest all of the features of amended independent claim 1. Applicants further submit that Salls also does not describe the features recited by amended independent claim 1 and does not remedy the deficiencies of WebCharity with respect to amended independent claim 1.

Applicants also submit that there is no teaching, suggestion, or motivation to modify WebCharity and/or Salls to include all of the recited features of independent claim 1. In particular, Applicants submit that modification of WebCharity to include all of the features recited by amended independent claim 1 would be contrary to the explicit teachings and principal of operation of WebCharity.

Consequently, even if WebCharity and Salls could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 1. Therefore, Applicants submit that WebCharity and Salls are insufficient to render amended independent claim 1 obvious regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that amended independent claim 1 is allowable over WebCharity and Salls that dependent claims 8 and 12 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Regarding amended independent claim 21, Applicants submit that neither WebCharity nor Salls discloses a user interface as recited. Namely, there is no teaching or suggestion in WebCharity and/or Salls of a user interface for receiving information from a first party comprising a description of one or more goods offered for raffle, the

user interface providing the first party with available options for directing proceeds of the raffle including options for receiving proceeds of the raffle and for donating proceeds from the raffle to a third party. WebCharity and/or Salls also do not disclose, teach, or suggest receiving an option to donate proceeds from the raffle selected by the first party via the user interface prior to conducting the raffle or donating the proceeds from the raffle tickets to the third party on behalf of the first party in accordance with the option selected by the first party.

Moreover, while Salls describes selecting a winning ticket number, Applicants submit that Salls does not disclose, teach, or suggest creating a record of buyers weighted according to the number of raffle tickets purchased by each buyer.

In view of the above, Applicants submit that WebCharity and Salls do not disclose, teach, or suggest all of the features of amended independent claim 21. Consequently, even if WebCharity and Salls could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in independent claim 21. Therefore, Applicants submit that WebCharity and Salls are insufficient to render amended independent claim 1 obvious regardless of whether such references are taken alone or in combination with each other.

Furthermore, Applicants submit that there is no teaching, suggestion, or motivation to modify WebCharity and/or Salls to include all of the features recited by amended independent claim 21. In particular, Salls is directed to a service that conducts an on-line raffle for an article and pays the owner the full asking price for article raffled. As such, Applicants submit that modification of Salls to include all of the features recited by amended independent claim 21 would be contrary to the explicit teachings and principal of operation of Salls.

For at least the foregoing reasons, Applicants submit that amended independent claim 21 is allowable over WebCharity and Salls that dependent claims 22-28, 32, and 3 are also allowable by virtue of their dependency from allowable claims, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 8, 12, 21-28, 32, and 33.

Claims 29-32

Claims 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Salls and further in view of United States Patent Number 5,752,025 to Shakib et al. ("Shakib"). Applicants respectfully traverse this rejection.

As described above, WebCharity and Salls fail to disclose, teach, or suggest all of the features recited by amended independent claim 21. Applicants further submit that Shakib also does not describe such features and fails to remedy the deficiencies of WebCharity and Salls with respect to amended independent claim 21. Further, there is no teaching, suggestion, or motivation to modify WebCharity, Salls, and/or Shakib to include all of the recited features of amended independent claim 21.

Consequently, even if WebCharity, Salls, and/or Shakib could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in amended independent claim 21. Therefore, WebCharity, Salls, and/or Shakib are insufficient to render amended independent claim 21 obvious regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that amended independent claim 21 is allowable over WebCharity, Salls, and/or Shakib and that dependent claims 34 and 35 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 34 and 35.

Claims 34 and 35

Claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WebCharity in view of Salls and further in view of USPPA 2001/0047290 to Petras et al. ("Petras"). Applicants respectfully traverse this rejection.

As described above, WebCharity and Salls fail to disclose, teach, or suggest all of the features recited by amended independent claim 21. Applicants further submit that Petras also does not describe such features and fails to remedy the deficiencies of WebCharity and Salls with respect to amended independent claim 21. Further, there is no

teaching, suggestion, or motivation to modify WebCharity, Salls, and/or Petras to include all of the recited features of amended independent claim 21.

Consequently, even if WebCharity, Salls, and/or Petras could be combined, which Applicants do not admit, such combination still would fail to disclose, teach, or suggest all the features recited in amended independent claim 21. Therefore, WebCharity, Salls, and/or Petras are insufficient to render amended independent claim 21 obvious regardless of whether such references are taken alone or in combination with each other.

For at least the foregoing reasons, Applicants submit that amended independent claim 21 is allowable over WebCharity, Salls, and/or Petras and that dependent claims 34 and 35 are also allowable by virtue of their dependency from an allowable claim, as well as on their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal the § 103(a) rejection of claims 34 and 35.

Conclusion

It is believed that claims 1-35 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Serial No. 10/697,850
Response Dated October 19, 2009
Reply to Final Office Action of May 19, 2009

Respectfully submitted,

/Robert V. Racunas/
Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: October 19, 2009

RACUNAS LAW LLC
C/O Intelleivate
P.O. Box 52050
Minneapolis, MN 55402